

EXHIBIT 2

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November 1, 2013

Mark P. Chalos
Partner
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VIA HAND DELIVERY

Chris Tardio
Gideon, Cooper & Essary PLC
315 Deaderick Street, Suite 1100
Nashville, TN 37238

Re:

Plaintiff Name:

U.S.D.C. Middle TN

U.S.D.C. MA [MDL]

<u>Case No.</u>	<u>Case No.</u>
✓ Bobbie Denson	3:13-cv-1028
✓ Willie Mae Toney Devine	3:13-cv-1027
✓ Jane R. & Gerald W. Wray	3:13-cv-1029
✓ James R. Knihtila	3:13-cv-0951
✓ Adam C. & Sarah D. Ziegler	3:13-cv-0918
✓ Marjorie H. & Jerry C. Norwood	3:13-cv-0913
✓ Harold G. & Patricia S. Sellers	3:13-cv-0952
✓ Bobby A. & Dolores K. Foster	2:13-cv-0093
✓ Sherry A. McDavid, Individually	2:13-cv-0086
and as Next of Kin of Donald F. McDavid, Deceased	

Dear Chris:

Per our discussion on October 31, 2013, enclosed are service copies of the summonses and complaints filed in the Middle District of Tennessee during September 2013 for defendants Howell Allen Clinic, Saint Thomas Outpatient Neurosurgical Center and Specialty Surgery Center. We also enclose copies in connection with our subpoenas to Dr. Rome and Dr. Dickerson and our correspondence related thereto.

Thank you for your assistance in this matter.

Very truly yours,

Mark Chalos

Mark P. Chalos

MPC/wp
Enclosures

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GIDEON, COOPER & ESSARY

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November 5, 2013

Mark P. Chalos
Lieff, Cabraser, Heimann & Bernstein
One Nashville Place
150 Fourth Avenue North, Suite 1650
Nashville, TN 37219-2423

Re: *Wray v. STOPNC, et al.*

Dear Mark:

On November 1, 2013, you had hand-delivered a box of nine complaints that I agreed to accept service of. Your November 1, 2013, email to me confirming my agreement to accept service of these nine complaints did not mention any subpoenas to non-party witnesses. But, inside the box were subpoenas to Rachel Rome, MD and Steve Dickerson, MD issued in the *Wray v. STOPNC, et al.* case. The subpoenas were referenced briefly in the last sentence of the cover letter in the box.

I am not sure why the subpoenas, which were apparently issued on October 15, 2013, and served on these two non-party witnesses on October 16, 2013, were sent to us in a box of complaints in other cases more than two weeks later. I am likewise not sure why you provided the subpoenas to us for the first time with a cover letter addressed to Mike Geraciotti and Brian Cummings dated a week prior. Recall that we met for more than an hour on October 25 and again on October 31. I am confused as to why you gave no notice of the November 5, 2013, date for these non-party depositions to me or our office at any of these various opportunities prior to November 1.

Nevertheless, the Federal Rules of Civil Procedure, specifically FRCP 30(b)(1) and 45(b)(1), clearly require that deposition subpoenas to non-parties include as part of the process notice of the depositions and document requests to the parties in the suit. Your office did not provide us with a notice of deposition or provide us written notice of the plan to take these depositions on November 5. And, obviously, without such notice, we had not been consulted about scheduling for these depositions. These depositions affect our clients. I presumed this to be obvious, but we plan to attend these depositions and any depositions of non-parties in cases we are a party.

If there was any belief otherwise, please let this letter serve as a formal request that we be notified, consistent with the Rules, of any depositions of non-parties. And, let this letter serve as a formal request that we be consulted regarding dates for these depositions. If you disagree that we are entitled to notice of depositions such as Dr. Rome and Dr. Dickerson, please notify me immediately so that we can address that.

Very truly yours,

Chris J. Tardio

CJT/lao

Cc: Mike Geraciotti
Brian Cummings
Lela Hollabaugh
Marcy Greer